

## **601 KAR 9:085. Procedures for becoming a certified motor vehicle inspector.**

RELATES TO: KRS 186A.115, 516, 523

STATUTORY AUTHORITY: KRS 186A.115(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 186A.115(1)(a) requires the department to promulgate an administrative regulation establishing the certification requirements for a certified motor vehicle inspector. This administrative regulation establishes the requirements necessary to become a certified motor vehicle inspector and the process required for a motor vehicle inspector to be recertified.

Section 1. Requirements. (1) The sheriff of the county for which the individual is to be certified shall submit the information established in paragraphs (a) through (g) of this subsection to the commissioner of the Department of Vehicle Regulation:

- (a) Name of sheriff;
- (b) Designation of sheriff or sheriff elect;
- (c) County in which sheriff was elected;
- (d) Sheriff's Social Security number;
- (e) Sheriff's signature;
- (f) Date the document was executed by the sheriff; and
- (g) The proposed inspector's:
  - 1. Name;
  - 2. Business mailing address;
  - 3. County of residence;
  - 4. Business and residence telephone numbers;
  - 5. Current designation as certified inspector including inspector number and county, if applicable;
  - 6. Prior inspector training and date, if applicable; and
  - 7. Certification that he or she has attended the training to become a certified motor vehicle inspector.

(2) If a sheriff has vacated his or her office and a certified motor vehicle inspector is not available in the county, the commissioner of the Department of Vehicle Regulation shall designate a temporary certified inspector until a new sheriff takes office.

(3) An applicant for certification as a motor vehicle inspector shall:

- (a) Be eighteen (18) years of age or older;
- (b) Be a resident of the Commonwealth of Kentucky;
- (c) Not have a felony criminal record or pending felony charge; and
- (d) Not have a misdemeanor conviction or pending charge related to KRS Chapter 516 or 523.

(4) A licensed motor vehicle dealer or an employee in his or her dealership shall not be eligible to become a certified motor vehicle inspector.

(5) An applicant shall attend a training program conducted by the Department of Vehicle Regulation in conjunction with the Kentucky State Police.

(6) An applicant who attends the training program shall receive a certificate from the commissioner of the Department of Vehicle Regulation certifying the applicant as a motor vehicle inspector.

(7) A certificate shall be valid for four (4) years.

(8) Six (6) months prior to the expiration of the four (4) year certificate, an inspector may be recertified. Recertification shall require attending a training program pursuant to subsection five (5) of this section.

Section 2. Revocation. (1) If a notification of withdrawal of designation is received by the Department of Vehicle Regulation from the county sheriff, the commissioner shall revoke the individual's certification.

(2) A certified motor vehicle inspector whose certification has been suspended or revoked shall not be eligible to inspect a motor vehicle.

(3) The commissioner of the Department of Vehicle Regulation shall revoke or suspend the certification of a certified inspector if the inspector:

(a) Is convicted of a felony or has a pending felony charge;

(b) Is convicted of a misdemeanor or has a pending misdemeanor charge relating to perjury or forgery as established in Section 1(3) of this administrative regulation; or

(c) Fails to satisfactorily complete the training required in Section 1(5) of this administrative regulation.

Section 3. Appeal. (1) At least thirty (30) days prior to revoking or suspending a certificate, the department shall notify the certified inspector in writing of the action the department proposes to take and the reasons.

(2) A certified inspector may appeal the action. Appeal shall be within forty-five (45) days.

(3) The notice of appeal shall be in writing to the Commissioner of Vehicle Regulation and shall state the basis for the appeal.

(4) An appeal shall be conducted in accordance with KRS Chapter 13B. (10 Ky.R. 327; eff. 1-4-1984; Am. 14 Ky.R. 261; eff. 9-10-1987; 20 Ky.R. 418; 761; eff. 10-5-1993; 30 Ky.R. 1354; 2150; eff. 4-12-2004; 40 Ky.R. 1435; 2129; eff. 4-4-2014.)